U.S. District Court
District of Maryland (Baltimore)
CRIMINAL DOCKET FOR CASE #: 1:17−mj−00845−ADC All Defendants
Internal Use Only

Case title: USA v. Rivello
Other court case number: 3−17mj192−BK Northern District of Texas

Date Filed: 03/17/2017

Assigned to: Magistrate Judge A. David Copperthite

Defendant (1)

John Rivello

Pending Counts	**Disposition**
None	

Highest Offense Level (Opening)

None

Terminated Counts	**Disposition**
None	

Highest Offense Level (Terminated)

None

Complaints	**Disposition**
None	

Plaintiff

USA represented by **P Michael Cunningham**
Office of the United States Attorney
36 S Charles St 4th Fl
Baltimore, MD 21201
14102094884
Fax: 14109623091
Email: michael.cunningham@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney
Bar Status: Active

Email All Attorneys
Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
03/17/2017	1	3	Arrest Warrant Returned Executed on 3/17/2017 in case as to John Rivello(kvs, Deputy Clerk) (Entered: 03/20/2017)
03/17/2017	2	5	Initial Appearance in Rule 5(c)(3) Proceedings as to John Rivello held on 3/17/2017 before Magistrate Judge A. David Copperthite.(FTR: Vockroth) (kvs, Deputy Clerk) (Entered: 03/20/2017)
03/17/2017	3	6	CJA 23 Financial Affidavit by John Rivello (kvs, Deputy Clerk) (Entered: 03/20/2017)
03/17/2017	4	8	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to John Rivello. Signed by Magistrate Judge A. David Copperthite on 3/17/2017. (kvs, Deputy Clerk) (Entered: 03/20/2017)
03/17/2017	5	9	WAIVER of Rule 5(c)(3) Hearing by John Rivello(kvs, Deputy Clerk) (Entered: 03/20/2017)
03/17/2017	6	10	ORDER Setting Conditions of Release as to John Rivello. Signed by Magistrate Judge A. David Copperthite on 3/17/2017. (kvs, Deputy Clerk) (Entered: 03/20/2017)

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AO 442 (Rev. 12/10) Warrant for Arrest

SEALED

United States District Court

NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

JOHN RAYNE RIVELLO

WARRANT FOR ARREST

CASE NUMBER: **3-17MJ192-BK**

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOHN RAYNE RIVELLO and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☑ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

with the intent to kill/injure/harass/intimidate, did knowingly & intentionally use an interactive computer or electronic communication service to engage in a course of conduct that placed a person in reasonable fear of death/serious bodily injury and caused/attempted to cause/would be reasonable expected to cause substantial emotional distress to that person.

in violation of Title 18, United States Code, Section (s) 2261A(2)(A) and (B).

RENEE HARRIS TOLIVER
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer

[signature]
Signature of Issuing Officer

Dallas, Texas
Date and Location

Bail fixed at $ ________ by ________
Name of Judicial Office

RETURN		
This warrant was received and executed with the arrest of the above named defendant at		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

AO 442 (Rev. 12/10) Warrant for Arrest

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: JOHN RAYNE RIVELLO

ALIAS:

LAST KNOWN RESIDENCE: 1808 East Clear Lake Drive, Salisbury, Maryland

LAST KNOWN EMPLOYMENT:

PLACE OF BIRTH:

DATE OF BIRTH: 06/05/1987 correct DOB 08/05/1987

SOCIAL SECURITY NUMBER: 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

HEIGHT: 6' WEIGHT: 180 lbs

SEX: M RACE: W

HAIR: brown EYES: brown

SCARS, TATTOS, OTHER DISTINGUISHING MARKS:

FBI NUMBER:

COMPLETE DESCRIPTION OF AUTO:

INVESTIGATIVE AGENCY AND ADDRESS:

MAGISTRATE JUDGE CRIMINAL MINUTES

DATE: March 17, 2017 **JUDGE:** A. David Copperthite COURTROOM: 7B

TIME: 3:17 – 3:42 **INTERPRETER:** n/a

AUSA: Michael Cunningham **DFDT ATTORNEY:** Nicholas Vitek, AFPD

UNITED STATES OF AMERICA v. ***JOHN RIVELLO***

CASE NO. 17-mj-0845-ADC **NO. OF COUNTS:**

DFDT'S AGE: 29 **YEAR OF BIRTH:**

☒**Initial Appearance**
☐Arraignment
☒**Rule 5(c)(3) Hearing-Northern Dist. Texas**
☐Sentencing
☐Bail Review/Revocation Hearing
☐Violation of Probation
☐Violation of Supervised Release
☐Detention Hearing

☐Defendant to Retain Counsel
☐Violation Notice
☐Indictment
☐Superseding Indictment
☐Information
☐Complaint
☐Preliminary Hearing: ______________________
☐Preliminary Hearing WAIVED

Defendant arraigned and plead "NOT GUILTY" as to Count(s) ________________________
☒Defendant advised of rights to silence and counsel
☐Defendant temporarily detained pending detention hearing on ____/_____/_____@________
☐Defendant detained by agreement
☐Defendant ordered detained after detention hearing
☒FPD appointed as counsel
☒Waiver of Rule 5(c)(3) Hearings
☐Commitment To Another District
☒**Order Setting Conditions of Release w/conditions**
☐Medical Order for Treatment of Detainee entered
☐Counsel advised to call or go to chambers for dates / given dates in court

Remarks ____

____

______ Days for Motions. Motions to be filed by ____

☐ Trial-Bench/Jury ________ day(s) / week(s). Trial week of________________________________
☒ Pre-trial Officer Helen Donovan
☐ Temporary Order of Detention to U.S. Marshal
☒ Minute entries docketed. Deputy Clerk: kmv

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17-mj-0845-ADC

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)

IN THE CASE OF

FOR

AT

LOCATION NUMBER: 0416

PERSON REPRESENTED (Show your full name): John Rivello

1 ☒ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
☐ Supervised Release Violator
5 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify)

DOCKET NUMBERS
Magistrate Judge
District Court
Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box→): Cyberstalking

☒ Felony
☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS

EMPLOYMENT

Are you now employed? ☐ Yes ☒ No ☐ Self-Employed

Name and address of employer:

IF YES, how much do you earn per month? $

IF NO, give month and year of last employment?
How much did you earn per month? $

If married, is your spouse employed? ☐ Yes ☐ No — N/A

IF YES, how much does your spouse earn per month? $

If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? $

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☒ Yes ☐ No

IF YES, give the amount received and identify the sources

	RECEIVED	SOURCES
$	415	VA disability
$		
$		

CASH

Do you have any cash on hand or money in savings or checking accounts? ☒ Yes ☐ No IF YES, total amount? $ 150,000

25K checking
25K savings
100,00 stock

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☒ Yes ☐ No

IF YES, give value and description for each

	VALUE	DESCRIPTION
$	10,000	Vehicle
$	5,000	motorcycle
$		
$		

OBLIGATIONS & DEBTS

DEPENDENTS

MARITAL STATUS
X Single
___ Married
___ Widowed
___ Separated or Divorced

Total No. of Dependents: 0

List persons you actually support and your relationship to them

DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)

DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT
monthly expenses	$	$ 833
	$	$
	$	$
	$	$

I certify under penalty of perjury that the foregoing is true and correct

[signature]
SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED)

3/17/17
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA *

v. * **Case No. 17-mj-0845-ADC**

JOHN RIVELLO *

* * * * * *

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The above named Defendant having been found to be indigent and entitled to appointment of counsel under the Criminal Justice Act, and the government having proffered that they know of no conflict precluding appointment of the Public Defender,

IT IS ORDERED this 17th day of March, 2017, that the Federal Public Defender for the District of Maryland is appointed to represent the above named Defendant.

A. David Copperthite
United States Magistrate Judge

U.S. District Court (4/2000) Criminal Magistrate Forms: Appointing Counsel

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AO 466A (Rev. 12/09; MD 02/10) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the
District of Maryland

United States of America
v.
John Rivello
Defendant

Case No. 17-mj-0845-ADC

Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* ______________________________.

I have been informed of the charges and of my rights to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel;

(2) an identity hearing to determine whether I am the person named in the charges;

(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;

(4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;

(5) a hearing on any motion by the government for detention;

(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

☐ an identity hearing and production of the warrant.

☐ a preliminary hearing.

☐ a detention hearing.

☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: March 17, 2017

Defendant's signature

Signature of defendant's attorney

Nicholas Vitek

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the
District of Maryland

RECEIVED
USMS-PRIS OPS
BALTIMORE, MD
2017 MAR 17 P 2:51

United States of America
v.
John Rivello
Defendant

Case No. 17-mj-0845-ADC

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

(1) The defendant must not violate any federal, state or local law while on release.

(2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.

(3) The defendant's residence must be approved by the U.S. Pretrial Services Officer (USPTO) supervising the defendant's release and the defendant must advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.

(4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* U.S. District Court – Northern District of Texas (*Place*) on COB - Monday 3/20/17 by 5:00pm (*Date and Time*)

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

☑ (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.

☐ (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of ______ dollars ($ ______) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community,

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☑ (7) The defendant is placed in the custody of (name of person or organization): DAVID RIVELLO
at an address approved by the Pretrial Services Office.
The defendant must not change that address without advance approval by the Pretrial Services Office who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: David M. Rivello (Custodian or Proxy) | 03-17-2017 (Date) | ______ (Tel. No (only if above is an organization))

1100 COMMERCE ST. DALLAS TX - EARLE CABELL Building

☑ (8) The defendant must:

☑ (a) report to the Pretrial Services - Northern District of Texas - Dallas Division
telephone number ______________________, no later than COB - Monday 3/20/17

☐ (b) report on a regular basis to the supervising officer. The defendant shall promptly obey all reasonable directions and instructions of the supervising officer.

☐ (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

☐ (d) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

☐ (e) execute a bail bond with solvent sureties in the amount of $ ______________.

☐ (f) maintain or actively seek employment as approved by the U.S. Pretrial Services Officer.

☐ (g) maintain or commence an education program.

☑ (h) surrender any passport to: Clerk, USDC - Northern Div of Texas

☑ (i) obtain no passport.

☐ (j) abide by the following restrictions on personal association, place of abode, or travel:

☑ (k) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:
ANY VICTIMS IN THIS CASE

☑ (l) undergo medical or psychiatric treatment: AS DIRECTED BY PTS -

☐ (m) abide by a curfew from ______________ to ______________

☐ (n) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☑ (o) refrain from possessing a firearm, destructive device, or other dangerous weapons.

☑ (p) refrain from ☑ any ☐ excessive use of alcohol.

☑ (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (r) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

☐ (s) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

☐ (t) submit to a location monitoring program

- ☐ (i) as directed by the supervising officer; or
- ☐ (ii) restricted to the residence except for employment, education, religious services, medical purposes, substance abuse testing/treatment, mental health treatment, attorney visits, court appearances, or other court ordered obligations; or
- ☐ (iii) restricted to the residence except for medical purposes, court appearances, or other activities specifically approved by the court.

☐ (u) Refrain from the use of computer systems, Internet-capable devices and/or similar electronic devices at any location (including employment or educational program) without the prior written approval of the U.S. Probation or Pretrial Services Officer. The defendant shall cooperate with the U.S. Probation and Pretrial Services Office monitoring of compliance with this condition. Cooperation shall include, but not be limited to, participating in a Computer & Internet Monitoring Program, identifying computer systems, Internet-capable devices and/or similar electronic devices the defendant has access to, allowing the installation of monitoring software/hardware at the defendant's expense, and permitting random, unannounced examinations of computer systems, Internet-capable devices and similar electronic devices under the defendant's control.

☑ (v) 24/7 Lockdown at Parent's Residence UNTIL TRAVEL TO TEXAS - curfew calls from PTS.

☑ (w) Father to Remove All firearms from Residence
NO INTERNET ACCESS WHATSOEVER -

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a $250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more - you will be fined not more than $250,000 or imprisoned for not more than 10 years, or both;
(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years - you will be fined not more than $250,000 or imprisoned for not more than five years, or both;
(3) any other felony - you will be fined not more than $250,000 or imprisoned not more than two years, or both;
(4) a misdemeanor - you will be fined not more than $100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

[signature]
Defendant's Signature

Baltimore, Maryland
City and State

Directions to the United States Marshal

☑ The defendant is ORDERED released after processing.
☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: March 17, 2017

[signature]
Judicial Officer's Signature

A. David Copperthite, United States Magistrate Judge
Printed name and title